

Retention and Classification Report

Agency: Attorney General's Office. Appellate Department (1950)

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Records Officer Lee Nakamura

06847	Criminal appeals case files
06400	Death penalty case files
06410	Post conviction/habeas corpus case files

AGENCY: Attorney General's Office. Appellate Department

SERIES: 6847

3

TITLE: Criminal appeals case files

DATES: 1896-

ARRANGEMENT: Alphabetical by surname, thereunder chronological by year

ANNUAL ACCUMULATION: 20.00 cubic feet.

DESCRIPTION:

These files document criminal appeals in which the Attorney General's Office represents the State of Utah. The Attorney General's office is responsible for representing the state when a district court decision involving a felony charge or any juvenile court adjudication of delinquency is appealed to the State Supreme Court, Court of Appeals, or any federal court. These files contain a complete record of the case on appeal.

RETENTION:

Retain 26 years.

DISPOSITION:

Transfer to the State Archives permanently.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series were specifically approved by the State Records Committee.

APPROVED: 06/1997

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 1 year after case closes and then transfer to State Records Center. Retain in State Records Center for 25 years and then transfer to State Archives.

AGENCY: Attorney General's Office. Appellate Department

SERIES: 6847

TITLE: Criminal appeals case files

(continued)

APPRAISAL:

Administrative Historical

This disposition is based on the Utah State Courts records retention schedule which mandates that appellate records be retained permanently. Capital case files have a secondary historical value and are retained permanently for appellate and research purposes.

PRIMARY CLASSIFICATION:

Private UCA 63G-2-301

SECONDARY CLASSIFICATION(S):

Controlled. UCA 63G-2-304 (2008)

AGENCY: Attorney General's Office. Appellate Department

SERIES: 6400

3

TITLE: Death penalty case files

DATES: 1896-

ARRANGEMENT: Alphabetical by surname, thereunder numerical by case number

ANNUAL ACCUMULATION: 1.00 cubic foot.

DESCRIPTION:

These files document automatic appeals to the Supreme Court by defendants convicted of capital offenses. The Attorney General's Office is responsible for representing the State of Utah in these proceedings. Information includes defendant's name, court case number, nature of the crime, facts of the case, degree of the crime, duration of the sentence imposed, claims of error on appeal, legal arguments, and correspondence.

RETENTION:

Retain 26 years.

DISPOSITION:

Transfer to the State Archives permanently.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series were specifically approved by the State Records Committee.

APPROVED: 10/2000

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 1 year after case closes and then transfer to State Records Center. Retain in State Records Center for 25 years and then transfer to State Archives provided no pending action or litigation.

AGENCY: Attorney General's Office. Appellate Department

SERIES: 6400

TITLE: Death penalty case files

(continued)

APPRAISAL:

Administrative Historical

This disposition is based on the historical value to researchers interested in the criminal justice system and capital punishment issues in the State of Utah.

PRIMARY CLASSIFICATION:

Protected UCA 63G-2-305 (10),(12), (13), (16), (17), (22), (23), (34), (51)

SECONDARY CLASSIFICATION(S):

Public. UCA 63G-2-301 (2008)

AGENCY: Attorney General's Office. Appellate Department

SERIES: 6410

1

TITLE: Post conviction/habeas corpus case files

DATES: 1896-

ARRANGEMENT: Alphabetical by surname, thereunder chronological by year

ANNUAL ACCUMULATION: 10.00 cubic feet.

DESCRIPTION:

These files document cases where civil petitions for post-conviction relief and/or writs of habeas corpus have been filed in a state or federal district court by a convicted felon. Such petitions challenge the legality of the petitioner's imprisonment and/or conviction. The Attorney General's Office is responsible for representing the State when a response to a post-conviction/habeas corpus petition is required by the court. These files contain a complete record of the post-conviction or habeas corpus case. These records contain unique information in rough notes or drafts assembled or created and used to prepare or analyze other documents. The information adds proper understanding to the formulation and execution of policies, decisions, actions, or responsibilities.

RETENTION:

Retain 26 years.

DISPOSITION:

Destroy.

RETENTION AND DISPOSITION AUTHORIZATION:

Retention and disposition for this series is proposed and has not yet been approved.

FORMAT MANAGEMENT:

The retention and disposition information on this schedule applies to the record copy which can be in any format. The record copy can include different formats. Format management information provided here is for the purpose of managing records that are being either stored by or transferred to Utah State Archives.

Paper: Retain in Office for 1 year after case is closed and then transfer to State Records Center. Retain in State Records Center for 25 years and then destroy provided no pending action or litigation.

AGENCY: Attorney General's Office. Appellate Department

SERIES: 6410

TITLE: Post conviction/habeas corpus case files

(continued)

APPRAISAL:

Administrative Legal

This disposition is based on the maximum period of incarceration during which a complainant with good cause may petition the court of jurisdiction for a Writ of Habeas Corpus (RCP 65B (i)(4) (1988)), and the Utah State Courts records retention schedule.

PRIMARY CLASSIFICATION:

Private UCA 63G-2-301

SECONDARY CLASSIFICATION(S):

Public. UCA 63G-2-301(f) (2008)

Controlled. UCA 63G-2-304 (2008)